

Decision **DRAFT DECISION OF ALJ THOMAS** (Mailed 12/7/2001)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into
Implementation of Senate Bill 669, Regarding the
Deaf and Disabled Telecommunications Program.

Rulemaking 00-05-001
(Filed May 4, 2000)

OPINION MODIFYING DECISION 01-07-023

I. Summary

This decision modifies, in part, Decision (D.) 01-07-023 implementing the portion of Senate Bill 669 relating to California's Deaf and Disabled Telecommunications Program (DDTP). We alter slightly the DDTP committee membership and quorum requirements we established in that decision. Quorums will be based on the number of voting members. Carrier types rather than named carriers will define industry member eligibility.

II. Background

In D.01-07-023, we changed the membership of each DDTP committee, and established new quorum and voting requirements. The DDTP Administrative Committee (DDTPAC) explains in its petition that these new quorum and voting requirements have made it difficult for the committees to function because the members who do not hold votes – primarily the telephone companies and other industry representatives – do not attend committee meetings. Thus, the DDTPAC claims, it is difficult for the committees to meet the quorum requirements. It asks that we modify the quorum requirements for all three committees to be based only on a majority of the voting members of the

committee. The revised quorum requirements would be the following:

Committee	# Of Members	# Of Voting Members	Quorum per D.01-07-023	Requested Quorum
DDTPAC	12	7	7	4
CRSAC	11	6	6	4
EPAC	10	5	6	3

The DDTPAC also asks that we provide greater flexibility to the committees in filling the utility representative seats on the committees by providing that those seats shall be open to categories of telephone carriers, rather than to specific named companies.

In response to the DDTPAC's petition, the California Association of the Deaf (CAD) and the California Coalition of Agencies Serving the Deaf/Hard of Hearing (Coalition) proposes that we broaden even further the types of telephone carriers eligible to serve on the Committees. In its reply brief, the DDTPAC agrees with the CAD/Coalition suggestion, proposing that each committee telephone carrier slot be open to an "exchange carrier," rather than limiting one slot to a large incumbent local exchange carrier (ILEC) and another slot to a mid-sized ILEC, as the DDTPAC proposed in its petition. Therefore, the carrier slots could be occupied either by ILEC(s), competitive local exchange carrier(s) (CLECs), or interexchange (long distance) carrier(s).

III. Discussion**A. Quorum Requirement**

No party objected to the DDTPAC's proposal that the voting requirement be changed. While we are reluctant to lower the quorum requirement, the DDTPAC has presented us with evidence that the current requirements are making it difficult for the committees to function. The non-voting members of the committees no longer attend meetings regularly, and, short of forcing these members to attend, we see no alternative to changing the quorum requirements. While we would prefer that the carrier members of the committees attend all meetings, we do not wish to leave the DDTP committees at risk of being unable to function if they fail to attend. We can also understand the carriers' lessened interest in attending given that they no longer control the provision of most DDTP services. Therefore, we adopt the quorum requirements the DDTPAC proposes.

B. Carriers Eligible to Serve on Committees

We also agree with the CAD/Coalition suggestion – with which the DDTPAC concurs – to broaden the list of telephone carriers eligible for slots on the committees to all carriers, rather than limiting eligibility to ILECs. We agree with the DDTPAC that the ILECs' role in providing DDTP services has lessened as the DDTP has centralized its program operations away from them. Thus, it makes less sense than it once did for ILECs to dominate the carrier spots on the committees. Broadening the list of carriers eligible to serve may also ensure more regular carrier participation on the committees. We would prefer that carriers interested in serving on the committees be eligible to serve. Thus, we will alter the composition of each committee to change the slots on each committee designated for Pacific Bell and Verizon/GTE to slots designated for a

telephone exchange carrier. All carriers – ILECs, CLECs or interexchange carriers – will be eligible for each such slot.

The DDTPAC also suggests that we alter the third industry slot on each committee from a slot for the California Telephone Association (CTA) designee to a slot for any “telecommunications-related vendor to the DDTP.” The DDTPAC points out that the CTA has not expressed interest in sending a representative to any of the three DDTP committees for over two years. We therefore agree with the DDTPAC’s suggestion that it would be best to expand the eligibility for this slot as DDTPAC proposes. A “telecommunications-related vendor to the DDTP” might include, as the DDTPAC suggests, an ILEC, a CLEC, a long distance carrier, a wireless carrier, a telecommunications equipment manufacturer or vendor, an Internet Service Provider or any other telecommunications-related vendor to the DDTP. The only proviso is that the committees should strive to create a representative group that includes as many of the telecommunications industry sectors as possible on each committee.

Thus, the new committee membership requirements are as follows (with changes in italics):

1. DDTPAC

Current	Voting?	New	Voting?
1. Hard-of-hearing	Yes	1. Hard-of-hearing	Yes
2. Disabled	Yes	2. Disabled	Yes
3. Late deafened adult	Yes	3. Late deafened adult	Yes
4. Deaf community at large	Yes	4. Deaf community at large	Yes
5. Statewide deaf organization	Yes	5. Statewide deaf organization	Yes
6. Pacific Bell	No	6. <i>Telephone exchange carrier</i>	No
7. GTE California/Verizon	No	7. <i>Telephone exchange carrier</i>	No
8. California Telephone Assn.	No	8. <i>Telecommunications-related vendor to the DDTP</i>	No
9. Relay Service Provider	No	9. Relay Service Provider	No
10. Commission Executive Director Appointee	No	10. Commission Executive Director Appointee	No
11. Disabled	Yes	11. Disabled	Yes
12. Speech-to-Speech	Yes	12. Speech-to-Speech	Yes

2. CRSAC¹

Current	Voting?	New	Voting?
1. Hard-of-hearing	Yes	1. Hard-of-hearing	Yes
2. Speech-Disabled	Yes	2. Speech-Disabled	Yes
3. Late deafened adult	Yes	3. Late deafened adult	Yes
4. Deaf	Yes	4. Deaf	Yes
5. Deaf	Yes	5. Deaf	Yes
6. Hearing (well-versed in CRS use)	Yes	6. Hearing (well-versed in CRS use)	Yes
7. Pacific Bell	No	7. <i>Telephone exchange carrier</i>	No
8. GTE California/Verizon	No	8. <i>Telephone exchange carrier</i>	No
9. California Telephone Assn.	No	9. <i>Telecommunications-related vendor to the DDTP</i>	No
10. Relay Service Provider	No	10. Relay Service Provider	No
11. Commission staff person	No	11. Commission staff person	No

¹ California Relay Service Advisory Committee; provides input on the operations of the California Relay Service.

3. EPAC²

Current	Voting?	New	Voting?
1. Hard-of-hearing	Yes	1. Hard-of-hearing	Yes
2. Disabled	Yes	2. Disabled	Yes
3. Deaf	Yes	3. Deaf	Yes
4. Senior citizen	Yes	4. Senior citizen	Yes
5. Pacific Bell	No	5. <i>Telephone exchange carrier</i>	No
6. GTE California/Verizon	No	6. <i>Telephone exchange carrier</i>	No
7. California Telephone Assn.	No	7. <i>Telecommunications-related vendor to the DDTP</i>	No
8. Relay Service Provider	No	8. Relay Service Provider	No
9. Commission staff person	No	9. Commission staff person	No
10. Disabled	Yes	10. Disabled	Yes

C. Revised DDTP Committee Charters

The DDTPAC included with its petition draft revised charters for each DDTP committee reflecting the changes it proposed in its initial petition, and a few additional minor modifications to make the charter language consistent with Pub. Util. Code 2881, to clarify the term of appointments for committee members, and to define the duties of the three committee chairs. No party objected to the charter changes, and each appears to be consistent with the public interest. We note, however, that because the DDTPAC changed its recommendation regarding carriers eligible to serve on the committees, the draft charters should

² Equipment Program Advisory Committee; provides advice on the needs for program equipment.

be revised to reflect the committee compositions we adopt here. The DDTPAC should submit to the Director of the Commission's Telecommunications Division the revised charters within 30 days of the date of this decision.

IV. Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Section 311(g)(1) of the Public Utilities Code and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____.

Findings of Fact

1. The DDTP committees are essential to carrying out the functions of the DDTP programs.
2. Without a quorum, it is difficult for the DDTP committees to accomplish business necessary to DDTP functioning.
3. Carriers holding non-voting DDTP committee slots have not been attending committee meetings, making it difficult and at times impossible for the DDTP committees to establish a quorum and conduct business necessary to DDTP functioning.

Conclusions of Law

1. It is appropriate to change the quorum requirements of each DDTP committee so that the committees can make decisions necessary to the DDTP programs.
2. It is appropriate to change the committee composition of each DDTP committee to ensure greater carrier attendance at meetings and expand the list of carriers eligible to serve.
3. The charter changes the DDTPAC proposes, incorporated herein as Appendix A, are in conformity with the spirit and letter of D.01-07-023 and this

decision, except that charter provisions regarding the composition of the DDTP committees should be revised to reflect the changes set forth in this decision.

O R D E R

IT IS ORDERED that:

1. The committee memberships for the Deaf and Disabled Telecommunications Program (DDTP) committees shall be as follows:

DDTPAC

Current	Voting?	New	Voting?
1. Hard-of-hearing	Yes	1. Hard-of-hearing	Yes
2. Disabled	Yes	2. Disabled	Yes
3. Late deafened adult	Yes	3. Late deafened adult	Yes
4. Deaf community at large	Yes	4. Deaf community at large	Yes
5. Statewide deaf organization	Yes	5. Statewide deaf organization	Yes
6. Pacific Bell	No	6. <i>Telephone exchange carrier</i>	No
7. GTE California/Verizon	No	7. <i>Telephone exchange carrier</i>	No
8. California Telephone Assn.	No	8. <i>Telecommunications-related vendor to the DDTP</i>	No
9. Relay Service Provider	No	9. Relay Service Provider	No
10. Commission Executive Director Appointee	No	10. Commission Executive Director Appointee	No
11. Disabled	Yes	11. Disabled	Yes
12. Speech-to-Speech	Yes	12. Speech-to-Speech	Yes

CRSAC

Current	Voting?	New	Voting?
1. Hard-of-hearing	Yes	1. Hard-of-hearing	Yes
2. Speech-Disabled	Yes	2. Speech-Disabled	Yes
3. Late deafened adult	Yes	3. Late deafened adult	Yes
4. Deaf	Yes	4. Deaf	Yes
5. Deaf	Yes	5. Deaf	Yes
6. Hearing (well-versed in CRS use)	Yes	6. Hearing (well-versed in CRS use)	Yes
7. Pacific Bell	No	7. <i>Telephone exchange carrier</i>	No
8. GTE California/Verizon	No	8. <i>Telephone exchange carrier</i>	No
9. California Telephone Assn.	No	9. <i>Telecommunications-related vendor to the DDTP</i>	No
10. Relay Service Provider	No	10. Relay Service Provider	No
11. Commission staff person	No	11. Commission staff person	No

EPAC

Current	Voting?	New	Voting?
1. Hard-of-hearing	Yes	1. Hard-of-hearing	Yes
2. Disabled	Yes	2. Disabled	Yes
3. Deaf	Yes	3. Deaf	Yes
4. Senior citizen	Yes	4. Senior citizen	Yes
5. Pacific Bell	No	5. <i>Telephone exchange carrier</i>	No
6. GTE California/Verizon	No	6. <i>Telephone exchange carrier</i>	No
7. California Telephone Assn.	No	7. <i>Telecommunications-related vendor to the DDTP</i>	No
8. Relay Service Provider	No	8. Relay Service Provider	No
9. Commission staff person	No	9. Commission staff person	No
10. Disabled	Yes	10. Disabled	Yes

2. The Committees should strive to create a representative group that includes as many of the telecommunications sectors as possible on each committee.

3. The quorum requirements for each committee shall be the number of voting committee members, as follows:

- DDTP Administrative Committee (DDTPAC): 4
- California Relay Service Advisory Committee (CRSAC): 4
- Equipment Program Advisory Committee (EPAC): 3

4. The DDTPAC shall submit to the Director of the Commission's Telecommunications Division revised committee charters reflecting the changes set forth in this decision within 30 days of the date of this decision.

5. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.